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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/828,743 | 04/20/2004 | Darryl D. Dobie | S242-1NP | 5475 |
| 24290 | 7590 | 03/15/2005 | | |
| BRIAN D. SMITH, P.C. | | | EXAMINER | |
| 1125 SEVENTEENTH STREET | | | | RINEHART, KENNETH |
| SUITE 600 | | | ART UNIT | PAPER NUMBER |
| DENVER, CO 80202 | | | | 3749 |

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 10/828,743 | DOBIE ET AL. | |
| | Examiner | Art Unit | |
| | Kenneth B Rinehart | 3749 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 April 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 7 and 11 is/are allowed.

6) Claim(s) 1-6,8-10 and 12-19 is/are rejected.

7) Claim(s) 11 and 20 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 April 2004 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2, 4, 5, 6, 13, 14, and 16, 17, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Snyder (4947958). Snyder shows an outer shell having an inner surface (18, fig. 1); a porous, fluid permeable lining on said shell inner surface, said lining defining an inner surface (20, fig. 1); and a relatively rigid mesh interior of said lining retaining said lining in said shell (22, fig. 1), said outer shell is fabricated from a material selected from the group consisting of stainless steel, aluminum, rigid plastic and glass fiber plastic (18, fig. 1), said porous lining is rock wool (20, fig. 1), said rock wool lining is retained by expanded glass fiber cloth mesh (22, fig. 1), said relatively rigid mesh is selected from the group consisting of stainless steel mesh, galvanized steel mesh, painted steel mesh, aluminum mesh, and plastic mesh (col. 4, lines 31-34), a rigid wall formed of sheet material (18, fig. 1); a layer of air permeable porous material on said wall material (20, fig. 1); and an expanded rigid mesh material on said air permeable material layer (22, fig. 1), said air permeable material is rock wool (20, fig. 1), inserting into said intake section an outer layer of porous material (16, fig. 1) and an inner layer of porous material spaced radially inwardly of said outer layer (20, fig. 1), supporting said layers of porous material with rigid, stiffly flexible, expanded mesh layers (12, 18, fig. 1).

Claims 1, 13, are rejected under 35 U.S.C. 102(b) as being anticipated by Hull (3918171).

Hull shows an outer shell having an inner surface (151, fig. 8); a porous, fluid permeable lining on said shell inner surface, said lining defining an inner surface (153, fig. 8); and a relatively rigid mesh interior of said lining retaining said lining in said shell (158, fig. 8), a rigid wall formed of sheet material (151, fig. 8); a layer of air permeable porous material on said wall material (153, fig. 8); and an expanded rigid mesh material on said air permeable material layer (158, fig. 8).

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Morrison (6192604). Morrison shows an air intake section (lower 46, fig. 1), a blower section mounting a motor driven fan (38, fig. 1); a transition section (32, fig. 1); and an outlet section having a plurality of discharge nozzles for directing air towards a motor vehicle for drying the same (18, fig. 2).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Gadeffait et al (6672424). Gadeffait et al shows an outer cylindrical duct defining an inner surface (3, fig. 3); a porous layer adjacent said duct inner surface and defining an inner surface (17a, fig. 3); an outer rigid expanded mesh lining said inner surface of said porous layer and retaining said porous layer (17b, fig. 3); an inner cylinder extending coaxially in said duct and having an outer surface spaced radially inwardly from said outer expanded metal mesh (14a, fig. 3); said cylinder comprising a porous layer defining an outer surface (fig. 3) and an outer expanded metal mesh surrounding and supporting said cylinder porous layer and defining said outer surface of said

inner cylinder (14b, fig. 3), a plurality of radially extending brackets extending between said inner cylinder and said outer expanded mesh and supporting said inner cylinder in said duct (9, fig. 1) said outer cylindrical duct defines a foraminous section adjacent its inlet end (fig. 1)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull. Hull discloses an outer shell having an inner surface (151, fig. 8); a porous, fluid permeable lining on said shell inner surface, said lining defining an inner surface (153, fig. 8); and a relatively rigid mesh interior of said lining retaining said lining in said shell (158, fig. 8), a rigid wall formed of sheet material (151, fig. 8); a layer of air permeable porous material on said wall material (153, fig. 8); and an expanded rigid mesh material on said air permeable material layer (158, fig. 8), is retained by expanded glass fiber cloth mesh (155, fig. 8). Hull discloses applicant's invention substantially as claimed with the exception of said outer shell is fabricated from a material selected from the group consisting of stainless steel, aluminum, rigid plastic and glass fiber plastic, said porous lining is open cell polyurethane foam, said porous lining is rock wool, said relatively rigid mesh is selected from the group consisting of stainless steel mesh, galvanized steel mesh, painted steel mesh, aluminum mesh, and plastic mesh, said rigid wall material is selected from the group consisting of stainless steel, aluminum and plastic, said air permeable material is open celled polyurethane foam, said air permeable material is rock wool. At the time

the invention was made it would have been an obvious matter of design choice to a person of ordinary skill in the art to have said outer shell is fabricated from a material selected from the group consisting of stainless steel, aluminum, rigid plastic and glass fiber plastic, said porous lining is open cell polyurethane foam, said porous lining is rock wool, said relatively rigid mesh is selected from the group consisting of stainless steel mesh, galvanized steel mesh, painted steel mesh, aluminum mesh, and plastic mesh, said rigid wall material is selected from the group consisting of stainless steel, aluminum and plastic, said air permeable material is open celled polyurethane foam, said air permeable material is rock wool because applicant has not disclosed that type of material provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the materials Hull or the claimed materials because both materials perform the same function of reducing noise equally well.

Allowable Subject Matter

Claims 7 and 21 are allowed.

Claims 11 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to driers in general: Wilson (2770496), Braden (4919245).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kbr


KENNETH RINEHART
PRIMARY EXAMINER